Remarks

The final Office Action mailed March 22, 2007 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-5 and 7-31 are now pending in this application. Claims 1-5 and 7-31 stand rejected.

The rejection of Claims 1-5 and 7-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,875,430 to Koether et al. (hereinafter referred to as "Koether") in view of U.S. Patent No. 4,580,276 to Andruzzi et al. (hereinafter referred to as "Andruzzi") is respectfully traversed.

Koether describes a plurality of kitchen base stations (150) each in communication with at least one appliance (A) within a cell. Each kitchen base station (150) may interrogate a corresponding controller (140) of an appliance (A) within the cell or the controller (140) may request to transmit diagnostic information relating to a plurality of appliance operating conditions to the base station (150) within the cell. Kitchen base stations (150) are connected to a control center (170) through high speed communication links of a data network (180). Data network (180) may be an integrated system digital network (ISDN) facility. Diagnostic information is communicated to the control center (170) over the data network (180). Each kitchen base station also includes a microprocessor (167) that controls a plurality of activities of the base station and communications between an appliance and a corresponding kitchen base station. Decisions are made by the microprocessor (167) in accordance with data received over the data network (180) from the control center (170). The microprocessors (167) of the kitchen base stations (150) are connected to a terminal keyboard and display unit (155) that allows a user to exchange information with the appliances as well as exchange information with the control center (170) over the data network (180). Notably, Koether describes that the microprocessor (167) of the base station (150) and the control center (170) are connected over a data network (180) and diagnostic information is exchanged and

decisions are made by a combination of the microprocessor (167) and the control center (170).

Andruzzi describes an amplitude-shift keying/frequency-shift keying (ASK/FSK) data encoding and transmission scheme. In a particular embodiment, Andruzzi describes the transmission scheme functioning along the lines of a common power-line carrier system. Data is exchanged in bidirectional fashion (half-duplex) within a localized transmission medium defined by the electrical distribution system (metallic conductors) of a building, house, or any localized residential/commercial complex.

Claim 1 recites a method of performing service diagnostics on appliances including "connecting a diagnostic interface to a local area appliance network interconnecting a plurality of appliances, wherein the diagnostic interface includes a display; accessing at least one appliance in the local area appliance network; performing a service diagnosis of the at least one appliance through the diagnostic interface over the local area appliance network using service functions in the at least one appliance; implementing the diagnostic interface within a single device including the display, a processing circuitry generating service commands to perform the service diagnosis, and a power line carrier modem configured to modulate data to communicate the data over an alternating current (AC) power line; and servicing, by the diagnostic interface, the at least one appliance via the power line carrier modem, said servicing comprising at least one of adjusting a characteristic of the at least one appliance and displaying to a technician the service diagnosis."

Neither Koether nor Andruzzi, considered alone or in combination, describes or suggests a method of performing service diagnostics on appliances, as recited in Claim 1. More specifically, neither Koether nor Andruzzi, considered alone or in combination, describes or suggests a method including implementing a diagnostic interface within a single device including a display and processing circuitry generating service commands to perform the service diagnosis. Rather, in contrast to the recitations of Claim 1, Koether describes an interface including multiple devices. More specifically, decisions are made by a microprocessor (167) within a base station (150) in accordance with data received from a

control center (170) over a data network (180). Further, the base station (150), which in the Office Action is equated to the diagnostic interface of the current application, does not include a display. The base station (150) is connected to a terminal keyboard and display unit (155). However, base station (150) is not a single device that includes a display. Further, in contrast to the recitations of Claim 1, Andruzzi describes a transmission scheme functioning along the lines of a common power-line carrier system where data is exchanged in bidirectional fashion (half-duplex) within a localized transmission medium. However, Andruzzi does not describe implementing a diagnostic interface for appliances within a single device that includes a display and a power line carrier modem.

Accordingly, Applicants respectfully submit that Claim 1 is patentable over Koether in view of Andruzzi.

Claims 2-5, 7-11, and 30-31 depend from independent Claim 1. When the recitations of Claims 2-5, 7-11, and 30-31 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5, 7-11, and 30-31 likewise are patentable over Koether in view of Andruzzi.

Claim 12 recites a diagnostic interface for performing service diagnostics on appliances including "a display for viewing diagnostic and service information; processing circuitry for generating service commands for an appliance; and a power line carrier communication interface configured to be connected to a local area appliance network interconnecting a plurality of appliances, wherein said power line carrier communication interface facilitates transmitting the service commands to the plurality of appliances and receiving appliance diagnostic results on a power line carrier communication system, and said diagnostic interface implemented within a single device including said display, said processing circuitry generating the service commands to service the at least one appliance, and said power line communication interface configured to modulate data to communicate the data over an alternating current (AC) power line, wherein said diagnostic interface configured to service the at least one appliance via said power line carrier communication

interface by at least one of adjusting a characteristic of at least one appliance and displaying to a technician the appliance diagnostic results."

Neither Koether nor Andruzzi, considered alone or in combination, describes or suggests a diagnostic interface for performing service diagnostics on appliances, as recited in Claim 12. More specifically, neither Koether nor Andruzzi, considered alone or in combination, describes or suggests a diagnostic interface including a diagnostic interface implemented within a single device that includes a display. Rather, in contrast to the recitations of Claim 12, Koether describes an interface including multiple devices. More specifically, decisions are made by a microprocessor (167) within a base station (150) in accordance with data received from a control center (170) over a data network (180). Further, the base station (150), which in the Office Action is equated to the diagnostic interface of the current application, does not include a display. The base station (150) is connected to a terminal keyboard and display unit (155). However, base station (150) is not a single device that includes a display. Further, in contrast to the recitations of Claim 1, Andruzzi describes a transmission scheme functioning along the lines of a common power-line carrier system where data is exchanged in bidirectional fashion (half-duplex) within a localized transmission medium. However, Andruzzi does not describe implementing a diagnostic interface for appliances within a single device that includes a display and a power line carrier modem.

Accordingly, Applicants respectfully submit that Claim 12 is patentable over Koether in view of Andruzzi.

Claims 13-21 depend from independent Claim 12. When the recitations of Claims 13-21 are considered in combination with the recitations of Claim 12, Applicants submit that dependent Claims 13-21 likewise are patentable over Koether in view of Andruzzi.

Claim 22 recites a diagnostic system for providing access to service diagnostics on an appliance including "a local area appliance network configured to interconnect a plurality of appliances; a diagnostic interface configured to be connected to said local area appliance

network, said diagnostic interface comprising a display, wherein said diagnostic interface facilitates accepting service diagnostics commands destined for at least one appliance, said diagnostic interface implemented within a single device including a display device, a microprocessor configured to generate the diagnostics commands, and a power line carrier modem configured to modulate data to communicate the data over an alternating current (AC) power line, wherein said diagnostic interface configured to service the plurality of appliances via said power line carrier modem by at least one of adjusting a characteristic of at least one appliance and displaying to a technician the diagnostics commands; and a dedicated appliance controller for receiving and executing the diagnostics commands."

Neither Koether nor Andruzzi, considered alone or in combination, describes or suggests a diagnostic system for providing access to service diagnostics on an appliance, as recited in Claim 22. More specifically, neither Koether nor Andruzzi, considered alone or in combination, describes or suggests a diagnostic system including a diagnostic interface implemented within a single device that includes a display device. Rather, in contrast to the recitations of Claim 22, Koether describes an interface including multiple devices. More specifically, decisions are made by a microprocessor (167) within a base station (150) in accordance with data received from a control center (170) over a data network (180). Further, the base station (150), which in the Office Action is equated to the diagnostic interface of the current application, does not include a display. The base station (150) is connected to a terminal keyboard and display unit (155). However, base station (150) is not a single device that includes a display. Further, in contrast to the recitations of Claim 1, Andruzzi describes a transmission scheme functioning along the lines of a common power-line carrier system where data is exchanged in bidirectional fashion (half-duplex) within a localized transmission medium. However, Andruzzi does not describe implementing a diagnostic interface for appliances within a single device that includes a display and a power line carrier modem.

Accordingly, Applicants respectfully submit that Claim 22 is patentable over Koether in view of Andruzzi.

Claims 23-29 depend from independent Claim 22. When the recitations of Claims 23-29 are considered in combination with the recitations of Claim 22, Applicants submit that dependent Claims 23-29 likewise are patentable over Koether in view of Andruzzi.

Moreover, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Koether nor Andruzzi, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Koether and Andruzzi because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, some suggestion to combine such references and a reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, or any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It is also impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejections are based on a combination of teachings selected in an attempt to arrive at the claimed

invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible.

Accordingly, for at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-5 and 7-31 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

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